



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Frank Garardo	Report Date: March 26, 2021
Author's Phone: 519 736-5408 ext. 2124	Date to Council: April 12, 2021
Author's E-mail: fgarardo@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Development Agreement, Suitability for Development of Five Proposed Lots on Private Septic Systems and Removal of Holding Zone on N/S County Road 20

1. **RECOMMENDATION:**

It is recommended that:

1. The development of five lots on County Road 20 on private septic systems in accordance with the Development Agreement **BE APPROVED**;
2. The execution of a Development Agreement with Jon and Kathy Parks associated with Consent File numbers B/28-32/20 inclusive **BE APPROVED**;
3. **By-law 2021-020** being a by-law to authorize the signing of a Development Agreement for the development of five residential building lots be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same; and,
4. **By-law 2021-025** being a by-law to amend Zoning By-law 1999-52 to Remove a Holding Zone for N/S of County Road 20 (five lots) taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. **BACKGROUND:**

An application has been received for approval of a Development Agreement to satisfy certain conditions associated with Consent File Numbers B/28-32/21 inclusive from Jon and Kathy Parks. Section 53(41) of the Planning Act, requires that conditions must be fulfilled on a provisional consent within 1 year.

3. DISCUSSION:

The subject lands are legally described as Part of Lot 52, Concession 5, Parts 1-5 on 12R-27320. The provisional consent provided for the approval of a total of five residential lots with a combined frontage of 152.4 m (500 ft). The lots will be serviced with municipal water and private septic systems.

The subject property is designated Low Density Residential in the Town of Amherstburg's Official Plan. The lots are located within a secondary settlement area as defined by the County of Essex. The subject property is zoned holding Residential Type 1A (h-R1A) Zone. The property was re-zoned from Agriculture (A) Zone in 2020 (By-law 2020-018).

The proposed lot sizes, frontages and the intended land use for the severed parcels comply with the zone requirements of Residential Type 1A Zone provisions specifically Section 6(3) including minimum lot sizes without municipal sanitary services and minimum lot frontages.

The Town's Official Plan states "development of 5 or less lots/units, if permitted by the Land Use Policies of this Plan, may take place on private individual on-site sewage disposal systems and/or private wells in areas where public and private communal systems are not intended or are not readily available. Within a settlement area, Council will be required before any development approval is permitted on private individual sewage disposal and/or water systems."

The Committee of Adjustment approved the severances and included as a condition of consent that the applicant enter into a Development Agreement with the Town.

The Development Agreement will contain the following provisions:

- a. That the developer be required to undertake a drainage report for the five new lots and retained parcel. The drainage report shall address perimeter drainage, rear yard drainage and lot drainage. Further the drainage report shall determine and provide adequate drainage and outlet. All recommendations provided under the on-going Drainage Report will be carried out at the complete expense of those assessed for the costs according to the Schedule of Assessment within the report. This process will be carried out pursuant to all legislated procedures outlined in the Drainage Act. This may or may not include appeals, which can among other things affect the timing, costs, and assessment of those costs.
- b. The applicant enters into an agreement satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system should it become available. The subject agreement to be registered on title.

The provisions are provided in the Development Agreement in Section 20 and 38, respectively.

A covenant is also required to be registered on title to allow access onto the most easterly lot acknowledging that the property abuts an active Public Works Yard. This provision is addressed in Section 28.

The prerequisite for the removal of the Holding Symbol “h” as set out in By-law 1999-52, as amended is to ensure orderly development of lands pursuant to the Planning Act.

The amendment to the Zoning By-law will amend the zoning from ‘holding Residential Type 1A (h-R1A)’ to ‘Residential Type 1A (R1A)’. A By-law considered by Council to Remove a Holding Symbol under Section 36 of the Planning Act, is not subject to the requirement to hold a public meeting.

4. RISK ANALYSIS:

The Development Agreement provides that building permits cannot be applied for until all services in the agreement have been installed and accepted by the Town. Prior to the stamping of the deeds, the Town has included provisions to create serviced, residential lots or to take cash-in-lieu where appropriate, to the extent that services are available. The Development Agreement will be registered against the lands to which it applies.

The Development Agreement is a condition of approval for the consent granted by the Committee of Adjustment on September 29, 2020. If approval is not granted for the Development Agreement the conditions will not be fulfilled and the consent will lapse.

5. FINANCIAL MATTERS:

The costs associated with the applications and planning processes are the responsibility of the developer.

The proposed development supports growth and stability in the Town’s residential assessment base. Applicable fees and charges will be collected on the five building lots to be created through the consent process.

6. CONSULTATIONS:

The applications for consent were sent for review to the Engineering and Public Works Department, Building division, County of Essex, ERCA and various other agencies. All comments were considered at the time of approval of consent. The notice of public meeting was sent to all residences within 60 m of the proposed consents.

The proposed Removal of the Holding Symbol was published in the River Town Times and posted on the Town’s website.

There have been no concerns with the Removal of the Holding Symbol.

7. **CONCLUSION:**

Administration recommends the approval of the five lots on County Road 20 on private septic systems.

Administration also recommends that the Development Agreement for the N/S of County Road 20 be approved and By-law 2021-020 be adopted as recommended. The agreement will then be sent for registration.

Administration also recommends approval of Zoning By-law 2021-025, being a Zoning By-law Amendment to remove the Holding Zone from five lots on the north side of County Road 20.



Frank Garardo
Manager of Planning Services

JM

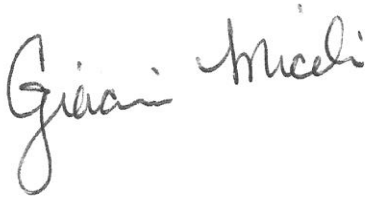
Report Approval Details

Document Title:	Development Agreement and Suitability for Development of Five Proposed Lots on Private Septic Systems on N-S County Road 20.docx
Attachments:	- 2021 04 12 - Parks Development Agreement, Develop on Septic, h Removal- ATTACHMENTS.pdf
Final Approval Date:	Apr 6, 2021

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker